

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: MATTHEW D. MOTTIER

Examiner: Zimmerman, B.

Serial No.: 08/220,851 /

Group: 2211

Filed: 31 March 1994

Docket No.: CE00497RD01

Entitled: Radio With Silent And Audible Alerts

Motorola, Inc.
600 North U.S. Highway 45
Room AN475
Libertyville, IL 60048

**TERMINAL DISCLAIMER UNDER 37 C. F. R. § 1.321(b) TO OBVIATE
A DOUBLE PATENTING REJECTION BASED ON A PENDING APPLICATION**

Assistant Commissioner of Patents
Washington, D. C. 20231

Petitioner, ~~Motorola, Inc.~~, a corporation of the State of Delaware, having its principal office in Schaumburg, State of Illinois, United States of America, is the owner of the entire interest in this application. Petitioner's title is based on an assignment from the original inventors Matthew D. Mottier, Mike M. Albert and Joshua P. Kiem to petitioner, said assignment recorded by the assignment division of the US Patent Office on January 22, 1992, on reel number 5999, frame number(s) 0140.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U. S. C. §§154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Nos. 08/220,949 and 08/220,856. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U. S. C. §§154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent

later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C. F. R. §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned is empowered to act on behalf of the Petitioner.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Fee Payment

Please charge Deposit Account No. 13-4772 the Disclaimer fee in the amount of \$110.00 for the fee due under 37 C.F.R. §1.20(d). Two duplicate copies of this sheet are enclosed. The Commissioner is hereby authorized to charge any additional fees which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment to Deposit Account No. 13-4772.

Remarks

The Petitioner presents the present Terminal Disclaimer to correct a typographical error in the Terminal Disclaimer dated November 24, 1997. In the Terminal Disclaimer dated November 24, 1997, Application Serial Number 08/220,851 should have been reported as 08/220,856. The present Terminal Disclaimer correctly reports Application Serial Number 08/220,856 as shown in paragraph two, line five hereinabove.

MOTOROLA, INC. (Petitioner)

Date: January 8, 1998

By: Kevin D. Kaschke
Kevin D. Kaschke
Attorney / Agent of Record
Reg. No. 35,767